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8 **UNITED STATES DISTRICT COURT**  
9 **DISTRICT OF NEVADA**  
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11 MARTIN S. ROOD,

12 Plaintiff(s),

13 v.

14 LIBERTY INSURANCE UNDERWRITERS,  
INC.,

15 Defendant(s).

Case No.: 2:16-cv-02586-JAD-NJK

**ORDER**

[Docket No. 26]

16 Pending before the Court is Defendant's motion to compel. Docket No. 26. Plaintiff filed  
17 a response in opposition. Docket No. 29. Defendant filed a reply. Docket No. 33. The Court  
18 finds the motion properly resolved without a hearing. *See* Local Rule 78-1. For the reasons  
19 discussed below, Defendant's motion to compel is **GRANTED**.

20 "[B]road discretion is vested in the trial court to permit or deny discovery." *Hallett v.*  
21 *Morgan*, 296 F.3d 732, 751 (9th Cir. 2002); *see also Crawford-El v. Britton*, 523 U.S. 574, 598  
22 (1998). When a party fails to provide discovery and the parties' attempts to resolve the dispute  
23 without Court intervention are unsuccessful, the opposing party may seek an order compelling that  
24 discovery. Fed. R. Civ. P. 37(a). The party seeking to avoid discovery bears the burden of showing  
25 why that discovery should not be permitted. *Blankenship v. Hearst Corp.*, 519 F.2d 418, 429 (9th  
26 Cir. 1975); *see also Carr v. State Farm Mut. Auto. Ins. Co.*, 312 F.R.D. 459, 469 (N.D. Tex. 2015)  
27 (addressing burdens following 2015 amendments to discovery rules). The party resisting  
28 discovery must specifically detail the reasons why each request is irrelevant or otherwise

1 objectionable, and may not rely on boilerplate, generalized, conclusory, or speculative arguments.  
2 *See, e.g., F.T.C. v. AMG Servs., Inc.*, 291 F.R.D. 544, 552 (D. Nev. 2013). Arguments against  
3 discovery must be supported by “specific examples and articulated reasoning.” *U.S. E.E.O.C. v.*  
4 *Caesars Ent.*, 237 F.R.D. 428, 432 (D. Nev. 2006).

5 Defendant moves to compel further responses to written discovery from Plaintiff. In  
6 particular, Defendant argues that Plaintiff’s responses provided to Interrogatories 2, 7, 8, 9, 12, 13  
7 14, 15, 16, 17, and 18 are deficient. Docket No. 26 at 9-17. Defendant argues that Plaintiff has  
8 also failed to verify his interrogatory responses. *Id.* at 9. Defendant further argues that Plaintiff’s  
9 responses to Requests for Production 3, 4, 6, 9, 10, 11, and 12 are deficient. *Id.* at 17-22.

10 Tantamount to the schoolyard comeback of “I know you are, but what am I,” *see, e.g., Pee*  
11 *Wee’s Big Adventure* (Warner Bros. 1985), Plaintiff provides no justification for his own discovery  
12 responses and, instead, points to aspects of Defendant’s discovery responses that Plaintiff contends  
13 are similar, *see* Docket No. 29 at 9-12.<sup>1</sup> Plaintiff cites no legal authority standing for the  
14 proposition that he need not provide discovery that complies with the Federal Rules of Civil  
15 Procedure based solely on purported discovery violations by the opposing party. The discovery  
16 rules do not envision this kind of playground tantrum. *Cf.* Fed. R. Civ. P. 26(a)(1)(E) (“A party is  
17 not excused from making its disclosures because . . . another party has not made its disclosures”);  
18 *see also Public Health Equip. & Supply Co., Inc. v. Clarke Mosquito Control Prods., Inc.*, Case  
19 No. SA-08-cv-0895 OG (NN), 2011 WL 2470059, at \*2 (W.D. Tex. June 16, 2011) (an argument  
20 of “unclean hands” has “no place in the analysis of a motion to compel brought pursuant to the  
21 federal discovery rules”).<sup>2</sup>

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22 <sup>1</sup> Plaintiff fails to address many of the specific issues raised in the motion to compel. For  
23 example, Defendant argues that Plaintiff improperly invoked the attorney-client privilege. Docket  
24 No. 26 at 12-13. Plaintiff’s response provides no argument of any kind regarding that issue. *See*  
25 Docket No. 29 at 9-12. Plaintiff has acquiesced in the granting of Defendant’s motion to compel  
26 with respect to any argument that he failed to address in his response. *See Knickmeyer v. Nevada*  
*ex rel Eighth Judicial District Court*, 173 F. Supp. 3d 1034, 1044 (D. Nev. 2016); *see also*  
*Kiessling v. Rader*, Case No. 2:16-cv-0690-GMN-NJK, 2018 WL 1401972, at \*3 (D. Nev. Mar.

27 <sup>2</sup> Plaintiff brought his own motion to compel, which the Court denies without prejudice  
28 through an order issued concurrently herewith. The Court expresses no opinion herein as to  
whether Defendant’s discovery responses are improper.

1 Because Plaintiff provides no legally sufficient argument that he is not required to provide  
2 further discovery responses as requested by Defendant, he has not met his burden in opposing the  
3 motion to compel. Accordingly, Defendant's motion to compel is **GRANTED**. Plaintiff shall  
4 provide supplemental discovery responses as requested in Defendant's motion within 10 days of  
5 the issuance of this order.

6 IT IS SO ORDERED.

7 Dated: July 2, 2018

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Nancy J. Koppe  
United States Magistrate Judge